



# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/PS00

FEB 03 2004

RECEIVED

**Inventors:** Rifat PAMUKCU et al.

**Serial No.:** 10/003,868

**Attorney Docket No.:** P-168-1

**Filed:** October 24, 2001

**Group Art No.:** 1623

**Examiner:** H.V. Owens, Jr.

**Title:** METHOD FOR INHIBITING  
NEOPLASTIC CELLS WITH BENZIMIDAZOLE  
DERIVATIVES

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: **Mail Stop AF**, Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, on the date appearing below.

OSI Pharmaceuticals, Inc.

By Shu M. Lee  
Shu M. Lee

Date 27 Jan 2004

## Mail Stop AF

Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

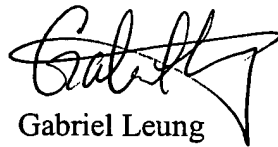
## REVOCATION OF POWER OF ATTORNEY

OSI Pharmaceuticals, Inc. is the assignee of 100% interest, as evidenced by the enclosed copy of the Recordation submitted to the US Patent and Trademark Office on September 11, 2003 of the Certificate of Merger of Cell Pathways, Inc. – which was the holder of 100% interest in an assignment from the inventors recorded at Reel 9723, Frame 0722 on January 12, 1999 – into OSI Pharmaceuticals, Inc. As the assignee of 100% interest, OSI hereby revokes all previous powers of attorney given in the above-identified application and hereby appoints the patent practitioners in the Legal Department of OSI Pharmaceuticals, Inc. registered to practice before the U.S. Patent and Trademark Office. They are presently Shu M. Lee, registration No. 41,147, Kimberly Nguyen, registration No. 47,821, and Alexander Stewart, registration No. 47,110.

Commissioner is authorized to charge any deficiencies and credit any

overpayment to OSI Pharmaceuticals, Inc. Deposit Account No. **502783**.

Very truly yours,



Gabriel Leung  
Executive Vice-President  
President, Oncology Business

December 11, 2003

Attorney for Applicants can be reached at the telephone number and address below.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date appearing below.

OSI PHARMACEUTICALS, Inc.

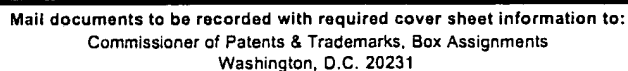
By Shu M. Lee Date 27 Jan 2004

December 11, 2003  
OSI Pharmaceuticals, Inc.  
58 South Service Road, Suite 110  
Melville, NY 11747

Very truly yours,



Shu M. Lee  
Attorney for Applicants  
Registration No. 41,147  
Telephone No. (631) 962-2056  
or (516) 924-4035  
Fax No. (631) 752-3880





CONTINUATION OF ITEM 4

09/169,678	09/739,440	10/117,255
09/184,394	09/739,559	10/125,823
09/190,343	09/789,848	10/136,140
09/199,864	09/845,501	10/152,111
09/200,025	09/902,948	10/157,526
09/422,894	09/938,009	10/158,455
09/436,806	09/938,160	10/166,940
09/515,714	09/939,414	10/187,762
09/517,734	09/952,769	10/228,700
09/523,276	09/966,003	10/251,165
09/523,277	09/968,207	10/251,549
09/548,135	09/974,271	10/252,286
09/616,444	10/003,868	10/252,983
09/632,561	10/005,622	10/253,629
09/663,217	10/012,672	10/253,849
09/685,665	10/038,633	10/274,709
09/716,989	10/040,769	10/278,683
09/723,613	10/040,776	10/377,213
09/734,633	10/071,639	



State of Delaware  
Secretary of State  
Division of Corporations  
Delivered 06:25 PM 07/14/2003  
FILED 06:25 PM 07/14/2003  
SRV 030460953 - 2004924 FILE

RECEIVED  
FEB 03 2004  
TECH CENTER 160012900

# **CERTIFICATE OF OWNERSHIP AND MERGER**

## **MERGING**

**Cell Pathways, Inc.**

**WITH AND INTO**

**OSI Pharmaceuticals, Inc.**

*(Pursuant to Section 253 of the General Corporation Law of Delaware)*

OSI Pharmaceuticals, Inc., a Delaware corporation (the "Corporation"), does hereby certify:

**FIRST:** The Corporation is incorporated pursuant to the General Corporation Law of the State of Delaware.

**SECOND:** The Corporation owns all of the outstanding shares of each class of the capital stock of Cell Pathways, Inc., a Delaware corporation (the "Merging Party").

**THIRD:** The Corporation, by the written consent of its Board of Directors, dated June 25, 2003, determined to merge the Merging Party with and into itself, with the Corporation surviving the merger, on the conditions set forth in such resolutions:

### **Merger with Cell Pathways, Inc.**

RESOLVED, that the Corporation merge with Cell Pathways, Inc., a Delaware corporation and a wholly-owned subsidiary of the Corporation ("Cell Pathways"), by having Cell Pathways merge with and into the Corporation and the Corporation shall be the surviving corporation, and that upon effectiveness of the merger, the issued and outstanding shares of the common stock of Cell Pathways shall be cancelled and no longer be issued and outstanding, and each of the issued and outstanding shares of the common stock of the Corporation shall continue to be issued and outstanding stock of the Corporation.

RESOLVED, that in order to effectuate the merger, the officers of the Corporation are, and each of them is, hereby authorized, empowered and directed to execute, deliver and file in the name and on behalf of the Corporation, a Certificate of Ownership and Merger with the Secretary of the State of Delaware.

**FOURTH:** The effective date of the merger herein certified, insofar as the provisions of the Delaware General Corporation Law govern such effective date, shall be the date upon which this Certificate of Ownership and Merger is filed by the Secretary of State of the State of Delaware.

\*\*\*\*\*

IN WITNESS WHEREOF, the Corporation has caused this Certificate of Ownership and Merger to be signed by its authorized officer, this 14th day of July 2003.

OSI PHARMACEUTICALS, INC.

By: 

Name: Colin Goddard, Ph.D.

Title: Chief Executive Officer



# Delaware

PAGE 1

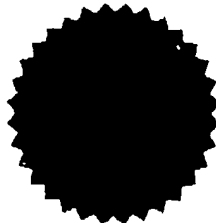
*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF OWNERSHIP, WHICH MERGES:

"CELL PATHWAYS, INC.", A DELAWARE CORPORATION,

WITH AND INTO "OSI PHARMACEUTICALS, INC." UNDER THE NAME OF "OSI PHARMACEUTICALS, INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE FOURTEENTH DAY OF JULY, A.D. 2003, AT 6:25 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

2004924 8100M

AUTHENTICATION: 2528803

030460953

DATE: 07-15-03



<b>Application Number</b>	10/003,868
<b>Filing Date</b>	October 24, 2001
<b>First Named Inventor</b>	Rifat Pamukcu
<b>Title</b>	Method For Inhibiting Neoplast
<b>Art Unit</b>	1623
<b>Examiner Name</b>	H.V. Owens, Jr.
<b>Attorney Docket Number</b>	P-168-1

Name	Registration Number
Shu M. Lee	41,147
Alexander Stewart	47,110
Kimberly Nguyen	47,821

***If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.***

By Am M. Fee Date 27 Jan 2004



P-168-1  
10/003,868  
H. V. Owens, Jr.



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Inventors:** Rifat PAMUKCU et al.

**Serial No.:** 10/003,868

**Attorney Docket No.:** P-168-1

**Filed:** October 24, 2001

**Group Art No.:** 1623

**Examiner:** H.V. Owens, Jr.

**Title:** METHOD FOR INHIBITING  
NEOPLASTIC CELLS WITH BENZIMIDAZOLE  
DERIVATIVES

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: **Mail Stop AF**, Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, on the date appearing below.

OSI Pharmaceuticals, Inc.

By Shu M. Lee  
Shu M. Lee

Date 27 Jan 2004

### Mail Stop AF

Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

## REVOCATION OF SMALL-ENTITY STATUS

Applicants respectfully revokes the small-entity status for the above-identified application. Commissioner is authorized to charge any deficiencies and credit any overpayment to OSI Pharmaceuticals, Inc. Deposit Account No. **502783**.

Very truly yours,

Shu M. Lee

Attorney for Applicant

Registration No. 41,147

Telephone No. (631) 962-2056

or (516) 924-4035

Fax No. (631) 752-3880

December 11, 2003  
OSI Pharmaceuticals, Inc.  
58 South Service Road, Suite 110  
Melville, NY 11747